



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, FEBRUARY 03, 2009

MINUTES

Mayor	Mahe Maso	Present
Mayor Pro Tem	Tony Felker	Absent
Deputy Mayor Pro Tem	Joy West	Present
Council Member	Scott Johnson	Present
Council Member	Jeff Cheney	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

1. ROLL CALL

Mayor Maso called the meeting to order at 5:32 p.m. and announced a quorum was present.

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Asst Director of Engineering Services, Liz Metting; Asst Director of Engineering Services, Brian Moen; Director of Financial Services, Anita Cothran; Director of Library Services, Shelley Holley; Director of Planning & Dev, John Lettelleir; Development Coordinator, Scott Ingalls; City Attorney, Richard Abernathy and Sr. Administrative Assistant Estela Barrera.

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

Bart Crowder moved to Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit; Jeff Cheney seconded the motion.

Passed

Vote: 5 - 0

For: Joy West, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Mayor Maso announced Council was in Closed Session at 5:37 p.m.

Mayor Pro Tem Felker arrived at the start of Executive Session.

- A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
- i. Legal issues regarding the Code of Ethics.
 - ii. Update on Cause 296-01766-2008; *Black Lab Partnership Fund, Ltd. vs. City of Frisco*.
 - iii. Legal issues regarding condemnation of 1.8253 acres of property located at the southeast corner of Eldorado Parkway and Independence Parkway owned by Mr. Warren Blackmon.
- B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
- i. South of US 380, North of Lebanon Road, East of FM 423, and West of Hillcrest Road.
- C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Jeff Cheney moved to reconvene into Regular Session. Tony Felker seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Mayor Maso announced there no action taken as a result of executive session.

INVOCATION

Pastor Ray Wilkins from the Lebanon Baptist Church led the invocation.

PLEDGE OF ALLEGIANCE

Deputy Mayor Pro Tem West led the audience in the Pledge of Allegiance and the Texas Pledge of Allegiance.

PROCLAMATIONS

4. Congenital Heart Disease Awareness Month

Mayor Maso proclaimed February 2009 as Congenital Heart Disease Awareness Month. Sheila Elliott was present to accept Proclamation.

Also present were Colby Elliott, Denon Elliott, Ethan Elliott, Sidney Young, Andrew Young and parents Jason Elliott, Sheila's aunt, Dana and Kim Young.

REPORTS

5. Library Report on usage and programming activities.

Shelley Holley

6. Parks & Recreation Monthly Report regarding Park & Trail Development, Facilities, Special Events and Youth Development.

Rick Wieland

7. Engineering Services Monthly Report on Roads, Traffic, Water, & Sewer Projects

Liz Metting and Brian Moen.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

There was no one present for Citizen Input.

Following Citizen Input, Council moved back Item 19.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bart Crowder moved to **pull Item 14** from the CONSENT AGENDA. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

David Prince moved to **pull Item 18** from the CONSENT AGENDA. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Scott Johnson moved to **pull Item 19** from the CONSENT AGENDA. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Scott Johnson moved to approve the CONSENT AGENDA as submitted excluding Items 14; 18 and 19. Tony Felker seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

8. Consider and act upon approval of the Minutes from the January 20, 2009 Regular City Council Meeting.(CSO)

9. Consider and act upon adoption of a Resolution calling the Joint General Election for May 09, 2009. (CSO)

09-02-19R

10. Consider and Act Upon Approval of Purchase Orders to Dell Marketing for the Purchase of Office Computers and Servers (IT)

11. Consider and act upon approval of a resolution authorizing the City Manager to

execute an agreement by and between the City of Frisco and Alpha Testing, Inc., for Geotechnical Investigation and Report with Design Recommendations for the Grand Park. (Parks and Rec.)

09-02-20R

12. Consider and act upon approval of a resolution authorizing the City Manager to execute an Amendment of an Agreement (Change Order Number Two) by and between the City of Frisco and Lee Lewis Construction, Inc for projects within the Frisco Heritage Center. (CMO/HH)

09-02-21R

13. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an agreement for transportation engineering services with Lee Engineering, L.L.C., for the design and bid package preparation for a permanent traffic signal installation at the intersection of Legacy Drive at the future Allen Elementary School driveway. (Engineering)

09-02-22R

14. **Review and Accept the Quarterly Investment Report (Finance)**

**Anita Cothran was present to address Council's question.
Bart Crowder commented on Investment Report.**

Jeff Cheney requested a discussion on the issuing of debt and how those funds are issued to be added to the agenda at a Budget & Audit Committee meeting.

Scott Johnson moved to approve to accept the Quarterly Investment Report. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an agreement for transportation engineering services with Lee Engineering, L.L.C., for the design and bid package preparation for the installation of roadway lighting in the median of Rolater Road from Preston Road to approximately 1,085 feet east of Whittingham Drive. (Engineering)

09-02-23R

16. Consider and act upon adoption of a Resolution authorizing the City Manager to

execute Amendment Number Two to the Professional Services Agreement by and between the City of Frisco and Kimley-Horn and Associates, Inc., for Water and Wastewater Master Planning, Design and Bid Package Preparation, and Construction Phase Services to provide water and wastewater infrastructure to the northwest quadrant of Frisco; and to perform an Alignment Study for Virginia Parkway from west of the Dallas North Tollway to F.M. 423. (Engineering)

09-02-24R

17. Consider and Act upon approval of a resolution authorizing the City Manager to execute an Interlocal Agreement by and between Collin County and the City of Frisco for the development of Caddo Trail. (Parks and Rec.)

09-02-25R

18. **Consider and Act Upon a Resolution to Approve a Renewal Contract for the Collection of Delinquent Taxes. (Finance)**

Nancy Primeaux, Regional Manager for Linebarger, Goggin, Blair & Sampson Law Firm was present to request to be considered for the Contract for the Collection of Delinquent Taxes.

Also present was David McCall with Gay, McCall, Isaacks, Gordon & Roberts Law Firm requesting to also be considered.

Following presenters, staff requested Item 18 to be tabled.

Bart Crowder made a motion to Table the Item 18. Scott Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Following Item 18, Council moved back to Citizen Input.

19. **Consider and Act upon approval of a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and Jacobs Engineering Group Inc. for the Design and Construction Documents for the expansion of Bicentennial Park. (Parks and Rec.)**

Council member Johnson requested for the City to exhaust all options to have a private owner to run the skate park.

Following discussion, David Prince moved to approve Resolution No. 09-02-26R authorizing the City Manager to execute an agreement by and between the City of Frisco and Jacobs Engineering Group Inc. for the Design and Construction Documents for the expansion of Bicentennial Park. Tony Felker seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

20. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for Construction Services by and between the City of Frisco and North Texas Contracting, Inc., for the construction of World Cup Way (Main Street to Frisco Square Blvd) (CIP 05-0024) (Engineering/MB)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bart Crowder moved to **pull Item 21** from the LEGISLATIVE AGENDA. Joy West seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Joy West moved to approve Items 22 thru 26 of the LEGISLATIVE AGENDA as submitted. David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

21. **Consider and act upon an Ordinance renaming U.S. Highway 380 to University Drive from Custer Road to the Western Boundary of the City of Frisco's City Limit Line, approximately 2,000± feet West of Farm-to-Market Road 423. STRE08-0021. (Planning & Development Services)**

Following discussion, Staff requested Council take No Action on Item 21.

Item will be brought back to Council with amended name change.

22. Consider and act upon an Ordinance renaming County Road 710 between the eastern boundary of Estates at Cobb Hill, Phase 1 and Burlington Northern Santa Fe Railroad, to Cobb Hill Drive. STRE08-0016.(Planning & Development Services)

09-02-06

23. Consider and act upon an Ordinance renaming County Road 710 to Peaceful Lane for approximately 2,695± feet east and southward of the Burlington Northern Santa Fe Railroad. STRE09-0002.(Planning & Development Services)

09-02-07

24. Consider and act upon an Ordinance changing the name of County Road 710 to Sanctuary Drive beginning at a point located approximately 710± feet north of Eldorado Parkway and approximately 1,630± feet east of the Burlington Northern Santa Fe Railroad, and extending east from said point approximately 243± feet. STRE09-0003.(Planning & Development Services)

09-02-08

25. Consider and act upon an Ordinance renaming County Road 710 to Rogers Road northward of Eldorado Parkway for approximately 710± feet. STRE09-0001.(Planning & Development Services)

09-02-09

26. Consider and act upon an Ordinance changing the name of County Road 710 to Erudia Road between Eldorado Parkway (located approximately 875± feet from the Dallas Parkway) and Cobb Hill Drive. STRE09-0004. (Planning & Development Services)

09-02-10

REGULAR AGENDA

27. Consider and act upon appointment and employment of Jenny Page as City Secretary. (City Council)

Mayor Maso introduced Jenny Page.

Bart Crowder moved to approve the appointment and employment of Jenny Page as City Secretary. David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder,
David Prince;
Against: (None)

28. Consider and act upon whether to hear an appeal from the applicant regarding the Planning & Zoning Commission's denial of Preliminary Site Plan PSP08-0009 pursuant to Article IV, Section 1.08 (B) (7) of the Comprehensive Zoning Ordinance. (Planning & Development Services)

Joy West moved to approve to hear an appeal from the applicant regarding the Planning & Zoning Commission's denial of Preliminary Site Plan PSP08-0009 pursuant to Article IV, Section 1.08 (B) (7) of the Comprehensive Zoning Ordinance. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder,
David Prince;
Against: (None)

29. Appeal: Preliminary Site Plan PSP08-0009, Consider and act upon an appeal of the Planning & Zoning Commission's decision to deny a preliminary site plan for a convenience store with gas pumps, a car wash and a retail building on one lot on 1.5+ acres, located on the southwest corner of Warren Parkway and Legacy Drive. Zoned Planned Development-33-Business Center. (Planning & Development Services)

John Lettelleir was present to speak regarding the appeal of the denial of Preliminary Site Plan PSP08-0009.

Also present was Art Anderson, 1201 Elm Street, Dallas, TX, representing the land owner.

Mayor Maso left the meeting at 8 p.m.

Bart Crowder moved to approve Appeal for Preliminary Site Plan PSP08-0009, without a car wash on 1.5+ acres, located on the southwest corner of Warren Parkway and Legacy Drive. Scott Johnson seconded the motion.

Failed

Vote: 2 - 3

For: Scott Johnson, Bart Crowder;
Against: Joy West, Jeff Cheney, David Prince,

Joy West moved to approve the Planning & Zoning Commission's decision to deny Preliminary Site Plan PSP08-0009. David Prince seconded the motion.

Passed

Vote: 3 - 2

For: Joy West, Jeff Cheney, David Prince;

Against: Scott Johnson, Bart Crowder,

30. Consider and act upon the appointment of one (1) Board Member to the Convention & Visitors Bureau representing the following sector: one (1) "Downtown CBD/Frisco Square Retail Representative". (CMO)

Henry Hill was present to speak to Council regarding the appointment of one (1) Board Member to the Convention & Visitors Bureau representing the "Downtown CBD/Frisco Square Retail Representative". Staff recommended the one applicant.

Jeff Cheney moved to approve the appointment of Deina McNabb as Board Member to the Convention & Visitors Bureau representing the "Downtown CBD/Frisco Square Retail Representative". David Prince seconded the motion. Passed

Vote: 5 - 0

For: Joy West, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

31. Discussion and City Council Direction Concerning Renovations at 6891 Main Street. (CMO/NL)

Nell Lange and Buddy Minnette, Property Manager for 6891 Main Street were present to answer questions from the council.

Tamme Hardy, 2458 West Creek, Frisco, Tx, was present to request Council to go ahead and renovate the building.

Also in support of a renovation but not wishing to speak was Susanne Kerley, 11214 Beuville Dr, Frisco, TX.

Following discussion, Council directed staff to go out for bids for renovation of building site.

32. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Planning and Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Planning and Development Services. (Planning and Development Services)

No Appeals.

33. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Bring back recommendation for Contract for the Collection of Delinquent Taxes.
Further discussion on having a private industry own or operate the Skate Park.
Discussion on Library Capacity.
Agenda item on the Budget & Audit Committee Meeting regarding investment strategies.

34. Discussion on Governance Monitoring of present City Council Meeting.

Tony Felker gave the Council a B-.

ADJOURN

There being no additional business, Jeff Cheney made motion to Adjourn. Scott Johnson seconded the motion.

Passed

Vote: 5 - 0

For: Joy West, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

The meeting was adjourned at 8:32 p.m.

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting.)

Maher Maso, Mayor

ATTEST:

City Secretary